IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.24664 of 2000

Dated: 20-06-2007

Between:

Mr. Mohammed Saleem, s/o Mr. Mohammed Imam @ Lal Mohammed.

... Petitioner

and

The Andhra Pradesh State Wakf Board,
rep. by its Chief Executive Officer,
office at Block M-4, Manoranjan Complex,
M.J. Road, Hyderabad –1.

... Respondent

ORDER:

This writ petition is filed seeking a mandamus to declare the proceedings of respondent bearing No.P5/29/Prot/99, dated 02-05-2000 as illegal and arbitrary.

2. Petitioner states that his father was the Muthawalli of the Dargah utpo 17-11-1987 and his father due to his ill-health appointed him as Nayab Muthawalli and thereafter his father expired on 21-11-1977 and thus he is continuing as Nayab Muthawalli of the subject

Wakf. Thereafter, he gave a representation to respondents on 18-05-1999 to recognize him as Muthawalli. But the same was rejected and hence, he approached this Court and filed the present writ petition.

3. A counter affidavit is filed, wherein it is admitted that petitioner's father was the Muthawalli of the subject wakf, but after his death nobody approached the authorities for sanction of Touliat. It is further stated that may be it was an arrangement between the father and son, and the son i.e. the petitioner herein acted as Nayab Muthawalli but the same was never recognized by the authorities. Subsequently, proceedings were initiated and an order was also passed appointing M. Nadimullah, Deputy Secretary, Andhra Pradesh State Wakf Board, to take charge of the Institution as person-in-charge with immediate effect and report compliance, and hence, the contention of petitioner that he may be recognized as Muthawalli and to set aside the proceedings dated
02-05-2000, are not sustainable.

4. Having heard both the learned counsel, this Court is unable to appreciate as to how petitioner can claim to be the Muthawalli of the subject wakf. May be by way of an arrangement between himself and his father, he might have acted as Nayab Muthawalli, but that does not confer any rights on the petitioner, to appoint him as Muthawvalli of the subject wakf. However, as it is contended by learned counsel for petitioner that petitioner is rendering services as Nayab Muthawalli during his father's time and also subsequent to his father's death, respondents are herby directed to consider his case for appointment as Muthawalli, if he comes within the ambit of Andhra Pradesh Wakf Act.

5. Accordingly, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.20-06-2007
GLV